1948 File No. O. Talukdars 48

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Legal DEPARTMENT
A BRANCH

Subject:— Opinions under the
Gujarath Talukdars
Act-1888

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Sr. No.	Compilation No.	Subject	Pages.
1	O.H.63/Cont'd. 30-9-40	The Gujarat Talukdars' Act, 1888—Sec.32A (3). Assumption of the management of the estate of the Minors of Limbdi— Whether Govt. can retain the superintendence of the property till it is claimed by claimants.	1-3
2	O.H.8550 9-9-40	Bombay L.R.C.,1879. Sec.216— Whether survey settlement can be introduced in the Talukdari villages.	3

Rules

1815

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30-7-1940.

submitted.

By G.L.R. No. 1212/39, dated the 7th December 1939 sanction was accorded to the assumption of the management of the estate of the Thakore of Sanand under section 20 of the Gujarat Talukdars' Act, 1888 till all the debts are paid off. By G.L.R. No. 1312-B/39, dated the 19th May 1941, the Government management of the estate was extended for a further period of 5 years. The Thakore Saheb is now dead and his x major son, who is the present talukdar, requests Government to release the management of the estate. The Collector of Ahmedabad in his letter at pp.279-79 ante recommends continuance of the management on the ground that the estate is likely to be grievously indebted again, if the management is released at this stage. The Commissioner N.D. states that there is no specific provision in the Act which would cover such continuance of the management. He also states that none of the two conditions contained in section 29(3), of the Gujarat Talukdars' Act, 1888 exists in this case and it is not possible to support the Collector's proposal to continue the management. The Dewan is requested to advise in the matter.

2. Sub-section (3) of section 29A of the Gujarat Talukdars' Act, 1888 provides that on the death of any such talukdar,

(a) where the succession to his property or any part thereof is disputed the managing officer may with the sanction of the Provincial Government either retain the superintendence of the property until one of the claimants has established his claim to the same in a competent civil court, or institutes a suit of inter-

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pleader against all the claimants; and

(b) where his property is still incumbered with debts and liabilities, the Managing Officer may, with the sanction of the Provincial Government retain the said property under his superintendence until such debts and liabilities have been discharged.

It appears from the papers that Balvantsinghji Jaisingji has after the demise of the Thakore succeeded to the Ganjad Estate and there is no dispute as to the succession to the said estate. It is also stated by the Collector of Ahmedabad that the estate would be free from encumbrances by 10-5-1939. None of the two conditions stated in subsection (3) of section 29A exists. It would not therefore be possible for Government to sanction the continuance of the ~~superintendent~~ superintendence particularly when none of the two conditions mentioned in sub-section (3 of section 29A exists and the Talukdar is pressing for the restoration of the management to him. The papers may be ~~seen~~ seen and returned.

8. The view taken by the A.G. in its office note dated 27-7-38 at pp. 283-284 ante is correct."

Id/- P.S.Nadkarni 17/9

A.A.G.

R.L.G. Reply may be:-
Seen and returned
The view taken by A.G. is correct.

Id/- H.T.L. 29/9.

A.L.G. Id/- H.M.L. 29/9

M.O.R. to A.G. No.530-Confl. dt. 30-9-38

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Office of the H.L.C.

Bombay L.R.C.,157

The Gujarat - Talukdars' Act, 1888, sec.33(1)

Introduction of City surveys in Talukdari villages.

There is no conflict between section 33(1) of the Gujarat Talukdars' Act, 1888 and section 216 of the Bombay Land Revenue Code, 1879, for the latter provision does not apply to the talukdari villages, firstly because it is excluded by the former provision and secondly because these villages are not alienated villages. Consequently no survey settlement can be introduced in these villages unless both the Gujarat Talukdars' Act and the Bombay Land Revenue Code are suitably amended.

Sd/- [illegible] 4/9

C.J.
Superintendent of Legal Affairs.

U.O. to A.V.S. No. 8559, dated 9th September 1941.

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